

Remarks

Claims 1, 4 - 6, 8 and 10 remain in the application. Claims 3, 7 and 9 have been canceled. Claims 1, 4 and 6 have been amended.

A formal drawing is submitted herewith labeled Replacement Sheet. Also a marked-up copy of the formal drawing is attached showing the addition of reference numeral 35, in red, which was omitted from the drawing correction earlier presented.

The Examiner has objected to the amended ABSTRACT as introducing new matter into the application. Attention is directed to page 1, lines 5 - 7, of the original specification, as follows:

“ The diaper of this invention is directed to quick
changing of an infant while the infant is standing
or in the erect position.”

As the Examiner has noted in the Action, the, “standing,” terminology connotes supporting oneself on the feet (which might be unassisted) but the, “erect position,” connotes some other means for remaining vertical. This disclosure was meant to be broad enough to include older babies able to stand alone and younger babies that need assistance. Also, not to belabor a point, there are times when any baby may decide not to stand and must be held in a particular position. Further, it would be very difficult for any baby to stand on one foot without assistance as the other foot is placed in the diaper. Finally, babies are not capable of putting on their own diapers and normally are diapered by others. The applicant is entitled to be her own lexicographer and the

quoted sentence clearly establishes a difference between standing and being suspended in a vertical position.

Additionally, lines 15 - 22 of page 1 and the introductory clause of original claim 9 strongly infer that, conventionally, someone other than the wearer is manipulating the wearer, the wearer's limbs and the diaper to complete a diaper change.

Claim 9 stands rejected under 35 USC 112, first paragraph, as unsupported by the disclosure in the recitation of, "supporting the wearer in a standing position." For the same reasons given above, the disclosure is adequate to support this recitation. Further, the claim has been canceled obviating the rejection.

Claims 1 and 6 have been amended as suggested by the Examiner. However, because the recitation of the front and back panels has been changed, in claim 1, the term, "one piece," was not inserted in claim 6.

Claims 1 and 3 - 10 stand rejected as incomplete under 35 USC 112, second paragraph. As the Examiner has noted the front and rear panel is not, "one piece," but has multiple layers and portions and the term is confusing. That recitation has been removed and replaced with a clearer structural limitation. The claims now recite that the diaper is pre-formed with a leg hole and an open end. The front and back panels are joined by one side of the crotch to form the leg hole leaving a free edge of the front panel, back panel and the other side of the crotch to form a closure for encircling the baby.

Claims 1, 3 - 8 and 10 stand rejected as obvious in view of Fahrenkrug et al and Ahr et al under 35 USC 103. This rejection is traversed because neither of the references, singly or in combination, teach a pre-formed diaper with one leg hole and an open end

carrying fasteners for securing the diaper about the wearer. Fahrenkrug et al teach three embodiments of the garment, none of which has one permanent leg hole. One embodiment is shown in Fig. 12, another in Fig.15, and the third in Fig.19. The garments of Fig.s 12 and 15 are formed as rectangular strips with a slit or slits creating supporting straps. The ends of the supporting straps have fasteners to cooperate with each other or the other end of the rectangular strip to form a garment. There is no mention of making one strap into a loop for inserting one leg. The embodiment of Fig. 19 is a pre-formed garment with the straps affixed to the absorbent pad. In col. 13, lines 27 - 37, the reference to, "stepping-in," is directed to Fig. 19.

Ahr et al is directed to a diaper formed in a similar manner to the Fahrenkrug et al garment, in that it is a rectangular pre-form with side slits which form straps for securing the diaper to the wearer. Ahr et al adds nothing to teach the concept of a pre-formed diaper with one leg hole.

Therefore, even if the references are combined, the claimed structure is lacking.

For the foregoing reasons, it is requested that the rejection be withdrawn and the application be allowed.

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